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RECORDED AUGUST 5, 2002 BK 436 PG 154 NO 415421 AUDREY KOLTISKA, COUNTY CLERK

MEMORANDUM

This MEMORANDUM is made this 29 day of July, 2002, by Pennaco Energy, Inc., 1400 Sixteenth Street, Suite 510, Denver, Colorado 80202-1320.

Pennaco Energy, Inc. has entered into numerous Surface Use Agreements described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

In the Agreements, the landowners have granted certain rights to Pennaco Energy, Inc., the specific rights more fully described in the actual Surface Use Agreements. Pennaco Energy, Inc. is executing this Memorandum for the purpose of placing the same of record, to give constructive notice of all of the terms of the Agreements in lieu of recording the Agreements in their entirety.

IN WITNESS WHEREOF, this Memorandum is executed as of the day, month and year first hereinabove written.

ATTEST:

Pennaco Energy, Inc.

By:

Joe Rice

Land Supervisor - Gillette

(ACKNOWLEDGMENT FOR CORPORATION)

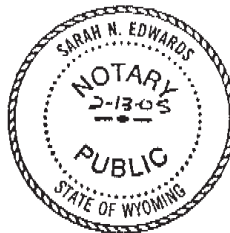
STATE OF Wyoming)
COUNTY OF Campbell) SS.

The foregoing instrument was acknowledged before me this 29th day of July, 2002, by Joe Rice, Land Supervisor - Gillette, of Pennaco Energy, Inc., on behalf of the corporation.

My Commission Expires

2/13/05

Sarah N. Edwards
Notary Public



2-13-05

EXHIBIT "A"

Surface Owner	Agreement Date	Section	Description
<u>Sheridan County, Wyoming</u>			
Edward A. Viren and Donna L. Viren	8/27/99	Section 04, Township 57 North, Range 82 West Section 05, Township 57 North, Range 82 West Section 08, Township 57 North, Range 82 West Section 09, Township 57 North, Range 82 West Section 15, Township 57 North, Range 82 West Section 22, Township 57 North, Range 82 West Section 20, Township 58 North, Range 82 West Section 21, Township 58 North, Range 82 West Section 28, Township 58 North, Range 82 West	Lot 4, S/2 NW/4, SW/4 Lots 1, SE NE S/2 SE NW/4 NE/4, S/2 NE/4, E/2 NW, S/2 S/2 NE/4, SE/4, E/2 SW/4 NW/4 NE/4, NE/4 NW/4 SE/4 SE/4 SW/4 SW/4 N/2 NW/4 and SE/4 NW/4
Charles E. Jr. and Tracie L. Pollard	7/8/02	Section 19, Township 56 North, Range 82 West Section 24, Township 56 North, Range 83 West	<p>SW, S/2NW, SW/SE, All those portions of the N/2NW, SW/NE, N/2SE, SESE, lying Southwesterly of the Southwesterly boundary of the Burlington Northern Railroad Right-of-Way.</p> <p>EXCEPTING THEREFROM: A tract of land situated in the NW of Section 19, Township 56 North, Range 82 West of the 6th P.M., Sheridan County, Wyoming, described as follows: Beginning at a point on the West line of said Section 19, which is South 1046.5 feet from the Northwest corner of said Section; thence South 1380.7 feet along the West line of said Section 19, to a point; thence North 69°29' East 849.8 feet to a point; thence North 26°14' East 872 feet to a point; thence South 64°28' East 151.3 feet to a point; thence North 10°54' East 572 feet to a point; thence South 82°11' West 1439.3 feet to the point of beginning, containing 33.1 acres, more or less.</p> <p>NESE Lots 2, 3, and 4, S/2 NW, SW/NE, SE, N/2 SW Lot 1, S/2 NE/4, N/2 SE/4 NE, N/2 SE, NESW W/2 NW, N/2NWSW S/2 SW/4, NW/4 SW/4, NW/4 SE/4, E/2 SE/4</p>
Verlin and Karen J. Danner	2/11/02	Section 05, Township 57 North, Range 82 West Section 06, Township 57 North, Range 82 West Section 08, Township 57 North, Range 82 West Section 09, Township 57 North, Range 82 West Section 32, Township 58 North, Range 82 West	